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Lawyer Wants Economics Out of Quarry Case

LDS Church's investment in granite removal should be immaterial to ruling on legality, he says

BY LINDA FANTIN

THE SALT LAKE TRIBUNE

Nearly 1,200 tons of granite has been removed from Little Cottonwood Canyon by contractors for The Church of Jesus Christ of Latter-day Saints. Two roads needed to reach the rock are nearly complete, and the church has invested six months and several hundred thousand dollars in the project.

All of that would be lost if 3rd District Judge Stephen Henriod nullifies the church's conditional-use permit issued by the Salt Lake County Planning Commission. But Henriod should not let that cloud his decision, said attorney Cullen Battle.

"We appreciate the difficult position the church finds itself in . . . but that's the price of enforcing the rule of law," Battle told the judge Wednesday. "The county's decision-making was badly flawed. The fact that the church has relied on that decision-making doesn't exempt it from judicial review."

Battle represents Bruce and Karen Cunningham, who live about 1,700 feet down the hill from the church quarry. They have proved that roads associated with the granite project greatly exceed allowable slope standards in county zoning ordinances. They dispute the county's contention that it had the right to

waive those canyon-protection standards.

In the second and final day of testimony Wednesday, attorneys for the county and the church continued to push for dismissal of the case on the grounds that the couple has no standing to sue.

The Cunninghams must show they have been injured in some way that distinguishes them from the public in general. They believe blasts used to split the granite boulders have cracked plaster and knocked a figurine, glass and plate to the floor while they were at work. And they claim the dirt roads have caused muddy rain water to run onto their property.

To counter those claims, church attorney David Wahlquist relied upon testimony from a seismic expert and Eugene Hilton, a longtime resident of Little Cottonwood Canyon.

Hilton lives across the creek from the Cunninghams and a similar distance from the quarry. He described the blasts as sometimes startling, but far less annoying than noise made by cars or builders working on a new home nearby. Hilton said he has experienced no vibrations, let alone any damage to his home or belongings.

Seismic expert Ruth Anderson measured blasts on July 29, and said none were loud enough to violate federal workplace-safety

standards or strong enough to shake the ground.

Canyon resident Reg Stephenson was home on July 29, and he testified those explosions were much weaker than those that often rattle his windows, and possibly cracked one of them.

In either case, Wahlquist said, there is no proof the blasts are to blame for any damage. And even if that is the case, the attorney said the Cunninghams must show the county's decision to waive road and slope standards caused the damage.

Kent Lewis, counsel for the county, said the Cunninghams should have complained to the county if they had concerns about blasting and water runoff from the project.

Battle, however, said the blasting and other problems would not exist had the county followed its own ordinances. In his closing arguments, Battle said the church's time and money are not the only things riding on the outcome of this case.

If Henriod sides with the church and the county, Battle said, any protections offered by canyon-protection ordinances will be "essentially eviscerated," placing in jeopardy "priceless resources that separate our city from any other city in the world."

Jackson M And New a Fans stay on their fe

BY LORI BUTTARS

THE SALT LAKE TRIBUNE

A Janet Jackson concert is something you can't sit down. Even when the — goes by just "Janet" now — completely still, not dancing singing, just holding her place the E Center stage — the pe in the packed audience Wednesday night stood on their seats roared.

Sometimes Janet smiled, sometimes she scowled — every expression was captured on the ant screen behind her.

Meanwhile, the fans stayed their feet right through to the when they were pogo-ing together Again."

Janet made a literal story entrance as a giant velvet-covered book unfolded into the large video screen. She was dressed in a red outfit crossing China with the Mad Hatter and came singing the title song from new album, "The Velvet Rope."

She managed a natural mix of the old songs and the new when she needed a breather would throw in a ballad, "Let's Wait a While," paired "Again."

Then she took "Control" medley from her first album featuring "The Pleasure Principle," "What Have You Done for Me and the biting "Nasty."

The slower moments were between. Special effects and electronic embellishments on a stage can rightly be described as

Farmington's Post Office Moving Away?

Without residents' support, it must relocate to outskirts

BY BRANDON LOOMIS



S/035/017

HELP PRESERVE LITTLE COTTONWOOD CANYON!

Rockreation
with support from
Black Diamond and Jagged Edge
invite you to help preserve
Little Cottonwood Canyon.

Gather for a social and raffle
This Sunday, July 12
(6 to 8 P.M.)
with great prizes from
Black Diamond, Jagged Edge,
Stonewear, Trango and more.
Rockreation 2074 East 3900 South
Phone - (801) 278-7473

or

Climb all day
for the reduced rate of only \$10
(belayers provided)
noon to 6 P.M.

All raffle and day pass proceeds will provide financial support for the ongoing efforts to seek legal review of Salt Lake County's decision to allow The LDS Church to quarry granite in Little Cottonwood Canyon. If you can not attend the social, but would like to make a contribution, send a check payable to the attorney for the plaintiffs, W. Cullen Battle, and a note stating that the check is for the Little Cottonwood Fund.

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